

ADMINISTRATIVE PROCEDURES FOR FILING, SIGNING AND VERIFYING
PLEADINGS AND PAPERS BY ELECTRONIC MEANS

I. Registration for the Electronic Filing System

A. Registration

- (1) Each attorney desiring to file pleadings or other papers electronically must complete and sign Attorney Registration Form and attend training provided by the court. He/she must also provide the court with a current e:mail address for use with the System. Non attorneys and other limited filers can also submit an Application For Limited Use Access to Electronic Case Filing System.
- (2) All signed original registration forms shall be mailed to the court or delivered to either office of the court.
- (3) Upon approval of the forms submitted and satisfactory completion of training, attorneys will receive their assigned system login and password from the Office of the Clerk. This information will be delivered according to the selection made on the registration form. Limited filers will be offered training but it will only be mandatory at the discretion of the clerk.
- (4) If any of the information on the registration form changes, for example, the user's mailing address, e:mail address, or other relevant information, the user must submit an Amended Registration form to the court.
- (5) Once registered, a user may withdraw from participation in the system by providing the court with written notice of such withdrawal. Upon receipt, the court will immediately cancel the user's login and password and will delete the users's name from any applicable electronic service list.

B. Passwords

- (1) All attorneys and limited use filers are required to use a password to participate in electronic retrieval and filing of pleadings and other papers in accordance with the electronic case filing system. Registration for a login and password is governed by Paragraph I(A).
- (2) No attorney shall knowingly permit or cause to permit his/her password to be utilized by anyone other than the attorney's authorized agent.
- (3) No person shall knowingly utilize or cause another person to utilize the password of a registered attorney unless that person is an authorized agent

of that attorney.

II Filing and Service of Documents

A. Filing

- (1) All petitions, motions, pleadings, memoranda of law, or other documents, except for creditor matrices and orders, are to be converted into portable document format (PDF) and filed directly on the system . Creditor matrices are to be filed in a similar manner, but in text (TXT) format. Information regarding the formatting of orders can be found in II.E.
- (2) A judicial waiver will be required for attorneys to file documents in hard copy format. If hard copies are submitted without a waiver, the Clerk's Office will "lodge" the document for filing and the attorney will have 10 days to show cause why a waiver was not obtained. After the 10 days with no cause shown, the court will dismiss the matter or if appropriate, strike the hard copy document.
- (3) For entities that file more than 20 (twenty) proofs of claim in a calendar year, a judicial waiver will be required to file documents in hard copy format. If hard copies are submitted without a waiver, the court will consider striking the documents.
- (4) Parties not represented by counsel or pro se individuals may file documents in hard copy format except for those that fall under Paragraph II.A.(3). These documents will be scanned to PDF format and docketed into the system. From that point forward, pursuant to LBR 5005-4, the scanned document will represent the official record of that pleading.
- (5) If at any time a filer is unable to access the electronic case filing system due to technical problems, and there is insufficient time to obtain a waiver, the court will accept a paper filing based upon the affidavit of the filer as to the circumstances preventing the electronic filing.

B. Service

- (1) Whenever a pleading or other paper is filed electronically in accordance with these procedures, the electronic case filing system shall automatically generate a notice of electronic filing by electronic means at the time of the docketing.
- (2) Participation in the system by receipt of a password provided by the court shall constitute a request for service and notice by electronic means as provided under FRBP 9036. Participants in the electronic case filing system, by possessing a password from the court, agree to receive notice

and service by electronic means both from the court and from other system participants, wherever located.

- (3) An attorney filing a pleading or other paper electronically shall serve the notice of electronic filing by electronic means and such service will be considered the equivalent of service of the pleading or other paper by first class mail, postage pre-paid. This form of service applies only to recipients of the notice or service who are registered participants in the electronic case filing system or have agreed in writing with the filer to accept such service in lieu of service by first class mail. For all remaining recipients of service or notice, the filing attorney shall serve the pleading or the paper upon all entities in accordance with applicable bankruptcy rules.

- (4) The following language is recommended for registered users of this electronic case filing system for certificate of service purposes:

“The following parties were served by electronic notice :”

(Show the parties to whom service was rendered electronically)

“The following parties were served by standard first-class mail:”

(Show the parties to whom service was rendered by mail)

C. Signatures

- (1) The electronic filing of a petition, pleading, motion, claim, or other paper that would bear a signature of an attorney or unrepresented party who is a registered participant of the electronic case filing system shall constitute the signature of that attorney or unrepresented party for purposes of the application of FRBP 9011 and other applicable rules.
- (2) All pleadings and documents electronically filed shall contain either a scanned image of a signature as a part of that document, or for registered users, an indication of the name of the filer with their signature represented by “/s/Jane Doe” in a location where the original signature would have occurred.
- (3) Filing of pleadings, documents, and other papers that require original or verified signatures.

- a. Electronic filing by registered users.

Petitions, lists, schedules, statements, amendments, pleadings, affidavits and other documents that must contain original

signatures or that require verification under FRBP 1008 or an unsworn declaration as provided in 28 USC Section 1746 may be filed electronically by attorneys registered in this electronic case filing system. An original copy containing an original signature must be retained by the attorney who files such a petition, pleading, document, or other paper for four (4) years after the closing of the case. If the case is later reopened, the (4) year retention period for documents already on file is not extended. However, any new filings as defined herein filed after the case is reopened shall be retained by the attorney who files such a petition, pleading, document, or other paper for four (4) years after the re-closing of the case.

- b. Filings initially received in paper format.

The court will retain the original documents bearing original signatures of any paper filings where such signatures are a required verification under FRBP 1008 or an unsworn declaration as provided under USC Section 1746.

D.Orders

- (1) All orders are to be submitted electronically using the court's E-Orders system.
- (2) All orders must conform with the following format requirements:
 - a.. The top margin on the **FIRST PAGE** must be **FOUR (4) INCHES**. All other pages of the order will have a top margin of one (1) inch.
 - b. To assist the court in verifying that the entire body of the submitted order has been properly transmitted, the **LAST LINE** in the order must contain the following text: **END OF DOCUMENT**, centered, to indicate the order is complete.
 - c. A line for the date and a signature line for the judge is omitted. All orders will be signed electronically by the judge in the space provided by the top margin on the first page.
 - d. All orders prepared by legal counsel shall indicate the name of the law firm, name of the attorney responsible for the order, mailing address and phone number for the firm and, if desired, the fax number and/or e-mail address. This information shall be included on the order, after the line containing the text **END OF DOCUMENT**.

- e. If the submitting party wishes to indicate to whom copies of the signed order should be sent, those parties names and addresses shall be included on the order, after the line containing the text END OF DOCUMENT.
- f. The font used to create orders must be Courier or Times New Roman (regular, bold, italic, and bold italic). Other fonts will not process correctly through the court's noticing center.
- g. All signatures of consent including those of unregistered users of the electronic case filing system, are to be indicated by putting "/s/ Jane Doe" where the original signature was to have occurred. In accordance with Paragraph II.C(3)a, any original signatures obtained for consent purposes are to be kept on file by the party submitting the order for four (4) years after the closing of the case.

E.Attachments to Pleadings and Proofs of Claim

If a filed document includes exhibits or attachments, then such exhibits or attachments are to be attached to the document submitted for filing. If the filed document is set for a hearing, hard copies of the exhibits or attachments shall be introduced at the hearing for possible admission to the official record.

F. Documents under Seal

A motion to file documents under seal may be filed electronically; however, the actual documents to be filed under seal shall be filed conventionally in paper form and only after the motion is granted. The order of the court authorized in the filing of such documents under seal will be entered electronically by the Clerk and a paper copy of the order shall be attached to the documents under seal and delivered to the Clerk at the time of the filing of the documents intended to be filed under seal.

G. Title of Docket Entries

An attorney who electronically files a pleading or other document shall be responsible for designating a docket entry title for the document by using one of the docketing categories prescribed by the court.

H. Correcting Docket Entries

Once a document is submitted and becomes part of the case docket, corrections to the docket may be made only by members of the clerk's staff.

III Public Access to the Electronic Case Filing System Docket

A. Public Access at the Court

Electronic access to the electronic docket and the documents filed in the electronic case filing system is available to the public at no charge at each Office of the Clerk during regular business hours.

B. Internet Access

Although any person can retrieve and review documents in the system and access information from it without charge at the Clerk's Office, electronic access to the electronic case filing system for viewing purposes is otherwise limited to subscribers of the Public Access Court Electronic Records (PACER) System. Information regarding subscribing to PACER is available on the court's website.

C. Conventional Copies and Certified Copies

Conventional copies and certified copies of electronically filed documents may be purchased at the Office of the Clerk. The listing of miscellaneous fees for copying and certification can be found at 28 USC Section 1930.

D. Privacy Provisions

In accordance with the E-Government Act of 2002 and its own policy regarding privacy and public access, the Judicial Conference of the United States at its September 2003 session, promulgated a new official Bankruptcy Form 21(Official Form 21), Statement of Social Security Numbers. This form has been created to satisfy the requirement set forth in Federal Rule of Bankruptcy Procedure 1007(f) that a debtor must submit a verified statement of his/her social security number along with the debtor's petition.

- (1) With respect to petitions filed by electronic means by the Internet, the debtor's signature declaring under penalty of perjury that information in the petition is true and correct shall apply to the debtor's social security number as filed electronically with the petition.
- (2) With respect to petitions filed as described above, the filing attorney shall retain an original executed copy of Official Form 21 until four years after closing of the case.
- (2) Attorney shall not file or submit any additional statements or verifications of the debtor's social security number.
- (3) With respect to petitions filed on paper by unrepresented debtors, the debtor shall submit an original Official Form 21 as a separate paper

document with the Clerk at the same time the petition is filed. The Clerk shall retain the original Official Form 21 which will not be accessible to parties, the Bar, or the public..